

# **DIXIE METROPOLITAN PLANNING ORGANIZATION**

## **BYLAWS**

### **I. OBJECTIVE**

The objective of the Dixie Metropolitan Planning Organization (DMPO) is to carry out planning, coordination, and integration of activities necessary to maintain a comprehensive, cooperative, and continuing multi-agency transportation planning program; and further, as specified by the Executive Council of the DMPO, carry out other related specific tasks including implementation thereof.

The DMPO will promote public participation in the decision-making process through public meetings. The DMPO will exercise leadership and initiative in planning and assisting development of efficient, integrated transportation system facilities in the DMPO area.

### **II. PLANNING AREA**

The approximate 435.95 square mile area covered by the DMPO is bounded by Ivins on the West, Hurricane and LaVerkin on the East, near the Dixie National Forest on the North and the Arizona border on the South. The legal description and map of the DMPO boundary are attached as Exhibit "A". The Dixie MPO twenty year planning area includes the Census defined St. George, UT Urbanized Area (UZA) and the Hurricane, UT Urban Cluster.

### **III. ORGANIZATION**

The DMPO is organized as shown in Figure II. Jurisdictions that make up the DMPO include the cities of Ivins, Santa Clara, St. George, Washington, Hurricane and LaVerkin; the towns of Toquerville and Leeds; Washington County, and the Utah Department of Transportation (UDOT). Elected officials (except for UDOT's representative, who is appointed by the Governor of the State of Utah) from each of these agencies constitute an executive council, known as the Dixie Transportation Executive Council (DTEC); and technical staff members of each agency make up a technical advisory committee, known as the Dixie Transportation Advisory Committee (DTAC). The Five County Association of Governments (FCAOG) shall host the office of the DMPO known as the Dixie Transportation Planning Office (DTPO), consisting of a Director and additional employees, as needed. In addition, there may be other special committees such as technical subcommittees and/or citizen task forces. Each group is defined below:

#### **A. Transportation Executive Council (DTEC)**

The Dixie Transportation Executive Council (DTEC) consists of twelve elected or appointed officials; one each representing the cities and towns of Ivins, Santa Clara, Washington, Hurricane, LaVerkin, Toquerville, and Leeds, three representing the City of St. George, one Washington County Commissioner, and one Governor appointed State Transportation Commissioner. It is the function of the DTEC to act as a policy body coordinating and directing transportation planning, implementation

thereof (as authorized by the DTEC), and related activities within the overall regional comprehensive planning process.

Additional organizations may be added in the future by DTEC directive for ex-officio non-voting status, and new entity voting members may be added based on future Census Bureau urbanized boundary decisions. Each new voting member and/or ex-officio non-voting member must be approved by her/his respective agency.

1. Membership

- a. To be a voting member of the DTEC, that person must be a duly elected member of a governing body of a unit of local or County government located in the DMPO area, or the appointed State Transportation Commissioner. Each unit of government shall designate the person or persons among its duly elected governing body that shall serve as primary member(s) of the DTEC. At its discretion, each government entity may select an alternate who is a duly elected or appointed member of the governing body when the primary member(s) is not available. The alternate will have the same voting power and duties of the primary member(s).
- b. Membership on the DTEC shall be as set forth in Figure I.
- c. Any member who for any reason shall no longer be in the service of the voting entity shall have her/his position vacated automatically and another member shall be appointed/designated by the appropriate voting entity.
- d. In addition, one ex-officio non-voting representative each from Five County AOG (DTPO), FHWA, and FTA, may participate on transportation issues, subjects of concern and interest to their geographic areas, or due to noted/recognized expertise. Each ex-officio non-voting member must be approved by her/his respective agency.

2. Voting

- a. Each voting member of the DTEC shall have one vote.
- b. Business will not be conducted without a quorum. Seven members present shall constitute a quorum with at least 5 jurisdictions represented. No action shall be taken by the DTEC except by majority consent containing at least five affirmative votes.

3. Officers

- a. The members of the DTEC shall elect the following officers: Chair, and Vice Chair. In the absence of any DTEC Chair, or upon her/his inability to act or serve, the Vice Chair shall have the powers of the Chair. In the

event Chair is permanently vacated a new Chair shall be elected. The Chair and Vice Chair will serve without compensation and shall serve for a period of two years. Any officer may be removed by majority vote of the DTEC.

- b. The DTEC Chair shall be able to vote on all matters before the DMPO. She/he shall sign on behalf of the DMPO all documents requiring signatures and shall perform all other duties required of the Chair. The DTEC may delegate to the DTAC Chair and/or Director of the DTPO such signatures it deems appropriate and/or necessary.
- c. The DTPO Director in cooperation with the Five County AOG, shall have the custody and control of local planning funds, solicit planning funds from UDOT and the federal government, manage the Dixie Long-Range Plan, Transportation Improvement Program, and annual work program, and shall report the state of the finances of the DMPO at the close-out of the federal fiscal year.
- d. The DTEC shall appoint a person to function as Secretary. The Secretary shall have the responsibility for keeping the minutes and such books, resolutions, or other services that may be required by the DMPO. She/he shall perform other such services as required by the DMPO and shall serve without compensation. The DTEC may delegate to an employee or employees of any jurisdiction within the DMPO any or all of the duties and powers of the Secretary.
- e. At any one time the Chair and Vice Chair of the DTEC must be from different jurisdictions. Any modifications to this requirement must be unanimously approved by the DTEC.

#### 4. Responsibilities

- a. The DTEC is responsible for all actions, agreements and functions to be carried out by the Dixie Metropolitan Planning Organization, including:
  - 1) serving in a review capacity to ensure that all federal and state assisted development projects are consistent with integrated regional transportation plans and programs;
  - 2) reviewing transportation issues of regional scope within the DMPO to foster cooperation and compliance with regional planning.
  - 3) accepting contributions and grants-in-aid;
  - 4) contracting with the Federal Government for planning assistance and other transportation-related planning projects, products, and services; and
  - 5) contracting with other state and local entities and consultants for the provision and receipt of planning or associated products or services.

- b. The DTEC is responsible for development of the following essential products:
  - 1) Regional Long-Range Transportation Plan, *fiscally constrained*;
  - 2) Transportation Improvement Program, *fiscally constrained*;
  - 3) Title VI Civil Rights Review;
  - 4) Unified Planning Work Program (UPWP) and Budget.
- c. Other products deemed essential may be authorized by the DTEC and specified in the UPWP.

5. Meetings

- a. The DTEC shall follow the Open Meeting Laws of Utah.
- b. Parliamentary procedures at all meetings shall be governed by Robert's Rules of Order, except as otherwise modified herein or unless the rules are suspended by a majority of the voting quorum.
- c. The DTEC shall meet regularly once each month unless determined otherwise by the Chair or majority vote of the DTEC. The notices of the meetings shall conform to the Open Meeting Laws of Utah. Members will be notified of all meetings.

**B. Technical Advisory Committee (TAC)**

The DMPO's Technical Advisory Committee (DTAC) is composed of technical and/or managerial staff representatives or where appropriate staff is not available, certain appointed officials involved with transportation issues, from each of the participating agencies. In addition, there may be one ex-officio non-voting representative each from the FHWA, FTA, DTPO (Five County AOG) and SUNTRAN. Additional organizations may be added in the future by DTEC directive for ex-officio non-voting status, and new entity voting members may be added based on future Census Bureau urbanized boundary decisions. Each new voting member and/or ex-officio non-voting member must be approved by her/his respective agency.

1. Membership

- a. To be a voting member of the DTAC, that person must be a staff member, or where appropriate staff is not available, certain appointed officials involved with transportation issues, of a governing body of a unit of local government located in the DMPO area, or the appointed Engineer for UDOT. Each unit of local government shall designate the person or persons among its public works division, or where appropriate staff is not available, certain appointed officials involved with transportation issues, that shall serve as primary member(s) of the DTAC. At its discretion, each government entity may select an

alternate staff member of the governing body when the primary member(s) is not available. The alternate will have the same voting power and duties of the primary member(s). Membership on the DTAC shall be as set forth in figure I.

2. Voting

- a. Each voting member of the DTAC shall have one vote.
- b. Business will not be conducted without a quorum. Seven members present shall constitute a quorum with at least 5 jurisdictions represented. No action shall be taken by the DTAC except by majority consent containing at least five affirmative votes.

3. Officers

- c. The members of the DTAC shall elect a Chair and a Vice Chair. Each shall serve without compensation for a period of two years. In the absence of the Chair, or upon her/his inability to act or serve, the Vice Chair shall assume the duties of the Chair. In the event Chair is permanently vacated a new Chair shall be elected. Any officer may be removed by majority vote of the DTAC.
- d. At any one time, the DTAC Chair and Vice Chair must be from two different voting entities.

4. Responsibilities

- a. The DTAC has the authority and primary responsibility to conduct technical reviews and analyses regarding all work activities of the annual work program and any related issues as specified by the DTEC and to so advise the DTEC on appropriate actions to be taken.
- b. The DTAC works closely with the DMPO staff (DTPO Director and staff, as needed) providing guidance and direction for development of the annual work program and budget and work elements defined therein.

5. Meetings

- a. The DTAC shall follow the Opening Meeting Law of Utah.
- b. The DTAC will seek public participation.
- c. Parliamentary procedure at all meetings shall be governed by Robert's Rules of Order, except as otherwise modified herein or unless the Rules are suspended by a majority of the voting quorum

- d. The DTAC shall meet regularly once each month, unless determined otherwise by the Chair of the DTAC or by a majority of the voting quorum. Members will be notified of all meetings.

C. **Office and Staff of the Dixie MPO**

The Dixie Transportation Planning Office, shall function as the office of the MPO and shall be located, hosted and managed administratively by the Five County AOG. The planning program will be directed by the DTEC and DTAC and carried out by the DTPO, in cooperation with Five County AOG, UDOT, and FHWA/ FTA.

1. **DTPO Personnel**

- a. The office of the Dixie MPO shall consist of a Director of the DTPO, and other staff, as needed. The Director shall report administratively to the Executive Director of the Five County AOG. Programmatically, the Director of the DTPO will work at the direction of the DTEC and DTAC.
- b. Selection, termination, and resignation procedures for Director and staff positions shall be as established by the FCAOG and approved by the DTEC.
- c. Salary of the DTPO Director and other staff as needed, shall be determined by the FCAOG Executive Director and approved by the DTEC.

IV. **FINANCES**

- a. **Fiscal Year** - The DMPO fiscal year shall commence on July 1 of each year.
- b. **Funding** - The DMPO shall have the power to receive funds from any public or private source including, but not limited to, the federal, state and local governments, voluntary associations, non-profit corporations, firms, partnerships, or person or any combination thereof, bequests, donations, devices, grants and gifts of all kinds of property.
- c. **Local Match** -The voting members of the DMPO, excluding the State Transportation Commission/UDOT, shall provide Five County AOG on or before July 31<sup>st</sup> of each fiscal year, their cost share of the local match required for support of the planning process, including the annual work program and federal planning funding. Washington County's share, however, shall be 'in-kind', only. The other voting members shall meet their match obligation with hard cash. The estimated DTPO budget will be prepared each February for the following fiscal year for DTAC recommendation and DTEC approval. The total match required from the local government entities shall be split by cost share, as shown by the following

formula:

$$\text{Total Match Budget} / 8^* = \text{Cost Share}$$

*\*divisor will change as Census determines addition of cities to the UZA. The Towns of LaVerkin, Toquerville, and Leeds will combine equally to pay 1 share as follows: LaVerkin 33.33%, Toquerville 33.33% and Leeds 33.33% until such time as change is determined by the DMPO.*

Current DMPO cost share is presented in Figure I. Each 10 year US Census action may include additional municipalities into the DMPO membership, requirements of this by-law, and financial contribution.

- d. **Audit** - The FCAOG shall call for an annual audit of the financial affairs of the DMPO (DTPO) to be made by a certified public accountant selected by the Five County AOG at the end of each local fiscal year (June 30th). The audit report shall be presented to the DTEC for acceptance.

## V. **SPECIAL COMMITTEES**

### A. **Formation**

Special DMPO committees may be created by the DTEC or DTAC as deemed necessary. A special committee may be either an ad hoc committee for a specific work task or a standing committee for one or more work tasks. Any such special committee will be responsible to the DTEC or DTAC

### B. **Powers and Duties**

The DTEC or DTAC shall define the respective duties, and authorize the power of all special committees. Special committees shall follow parliamentary procedures as defined in these Bylaws for the DTEC and DTAC. Special committees, unless membership consists exclusively of employees of the member jurisdictions, shall observe the Open Meeting Laws of Utah.

### C. **Membership**

Membership on a special committee shall be determined by the DTEC and/or the DTAC. The DTEC and/or the DTAC may appoint, at its discretion, any individual it deems qualified to serve on a special committee.

## VI. **AMENDMENTS OF BYLAWS**

These Bylaws can be amended by a majority of the voting quorum of the DTEC at any scheduled meeting.

PASSED AND ADOPTED by the Dixie Transportation Executive Council on this\_\_day of, 2013.

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Jim Eardly, Chair  
Dixie Transportation Executive Council

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Jack Taylor, Chair  
Dixie Technical Advisory Committee

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Kenneth L. Sizemore, Executive Director  
Five County Association of Governments

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Notary



**Figure I.**

**DIXIE TRANSPORTATION EXECUTIVE COUNCIL AND  
TECHNICAL ADVISORY COMMITTEE MEMBERSHIP & VOTE**

<b>Area of Representation and Jurisdiction</b>	<b>Number of Voting Members</b>	<b>Cost Share</b>
City of Ivins	1	<b>1</b>
City Santa Clara	1	<b>1</b>
City of St. George	3	<b>3</b>
City of Washington	1	<b>1</b>
Washington County	1	<b>In-kind</b>
State Transportation Commission (DTEC); UDOT (DTAC)	1	<b>0</b>
Hurricane City	1	<b>1</b>
LaVerkin Town	1	<b>0.333</b>
Toquerville Town	1	<b>0.333</b>
Leeds Town	1	<b>0.333</b>
	12	<b>8</b>

**Figure II.**

**DIXIE METROPOLITAN PLANNING ORGANIZATION  
STRUCTURE**



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